

160.346 Identification of school council needing improvement -- School district assistance plan -- Scholastic audit team reviews -- Transfer of council's authority -- Restoration of council's authority.

- (1) (a) A school with a school council identified as needing improvement under KRS 158.6455 shall include in its school improvement plan actions to strengthen the school council and the school-based decision making process at the school.
- (b) The local school district shall include in its assistance plan for a school identified in paragraph (a) of this subsection actions to strengthen the functioning of the school council and the school-based decision making process at the school.
- (2) (a) A scholastic audit team, established under KRS 158.6455, auditing a school a second time that for two (2) or more successive accountability cycles failed to meet its goal, shall include in the review:
 1. The functioning of the school and the school council;
 2. The implementation of the school improvement plan and actions related to the school council developed under subsection (1)(a) of this section;
 3. The interaction and relationship between the superintendent, central office personnel, and the council; and
 4. A recommendation to the commissioner of education in the audit report concerning whether the school council should retain the authority granted to it under KRS 160.345. If the recommendation is to transfer the authority of the school council, the team shall also recommend whether:
 - a. The authority should be transferred to the superintendent or a highly skilled educator; and
 - b. The school council should continue to act in an advisory capacity until all authority has been restored under subsection (6) of this section.
- (b) A scholastic audit team, established under KRS 158.6455, auditing a district of a school subject to subsection (2)(a) of this section, shall include in its review:
 1. The overall functioning of the school district;
 2. The interaction and relationship between the superintendent, central office personnel, school board members, and the council; and
 3. The implementation of the district assistance plan for the audited school. In the audit report, the team shall make a recommendation to the commissioner of education concerning whether the school's council should retain its authority granted under KRS 160.345. If the recommendation is to transfer the authority of the school council, the team shall also recommend whether:

- a. The authority should be transferred to the superintendent or a highly skilled educator; and
 - b. The school council should continue to act in an advisory capacity until all authority has been restored under subsection (6) of this section.
- (3) (a)
 - 1. If both the school and the district audit teams recommend transfer of the council's authority to the superintendent, the commissioner of education shall transfer the council's authority under KRS 160.345 to the superintendent. The commissioner shall determine whether the school council shall continue in an advisory capacity and shall notify the local board of education, the district superintendent, the principal of the school, and the school council members of the action.
 - 2. Within thirty (30) days of the commissioner's action, the school council may request that the Kentucky Board of Education consider the matter by submitting a written request including any supporting information. The Kentucky Board of Education shall consider the audit reports, the commissioner's decision, and the request for consideration with any supporting information, and make a final determination.
- (b) If both audit teams recommend transfer of the council's authority to a highly skilled educator or if both recommend transfer of the council's authority but are not in agreement as to the party to be granted authority, the commissioner shall make a recommendation to the Kentucky Board of Education, which shall make the final determination. The school council and the superintendent may submit supporting information. The commissioner shall include as part of the recommendation whether the school council shall continue in an advisory capacity. The Kentucky Board of Education shall consider the audit reports, the commissioner's recommendation, and supporting information provided by the school council and superintendent. The commissioner shall notify the local board of education, the district superintendent, the principal of the school, and the school council members of the recommendation and the Kentucky Board of Education's final action.
- (c) If the two (2) audit teams disagree in their recommendations about whether the council's authority should be transferred, the school council shall retain its authority.
- (4) Subject to the policies adopted for the district by the local board of education, the local district superintendent or the highly skilled educator shall assume all powers, duties, and authority granted to a school council under KRS 160.345 thirty (30) days following the commissioner's recommendation if no request for consideration by the Kentucky Board of Education is submitted or following the final determination of the Kentucky Board of Education, whichever is appropriate.
- (5) Within thirty (30) days after assuming the powers, duties, and authority under subsection (4) of this section, the superintendent or highly skilled educator shall consult with the council, if the council has been given an advisory role under subsection (3) of this section, and with stakeholders at the school including parents,

the principal, certified staff, and classified staff, and prepare a plan for developing capacity for sound school-based decision making at the school. The commissioner of education shall review the plan and approve it or identify specific areas for improvement. The superintendent or highly skilled educator shall report to the commissioner every six (6) months on the implementation and results of the approved plan.

- (6) The school's right to establish a council or the school's right for the council to assume the full authority granted under KRS 160.345 shall be restored when the school meets its goal for an accountability cycle as determined by the Kentucky Department of Education under KRS 158.6455.
- (7) If, in the course of a school or district scholastic audit, the audit team identifies information suggesting that a violation of KRS 160.345(9)(a) may have occurred, the commissioner of education shall forward the evidence to the Office of Education Accountability for investigation.

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